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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1338

JACK MASCHHOFF,
Petitioner,
v.
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE and AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, (UAW), Local 22 of the NEWSPAPER GUILD, a/k/a NEWSPAPER GUILD OF DETROIT, and EMIL MAZEY,
Respondents.

PETITION OF JACK MASCHHOFF FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

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Now comes petitioner, Jack Maschhoff, by Larry S. Davidow his attorney, and respectfully petitions this Court to grant Rehearing of the Order of May 24, 1976, denying his Petition for the Issuance of Writ of Certiorari in the above entitled cause, for the following reasons:

1. This Court, in its decision and opinion in the case of *Hines* v. *Anchor Motor Freight, Inc.* 47 L Ed 2d 233, No. 74-1025, which appeared in the advance sheets of

Lawyers' Edition April 9, 1976, delineated the right of the plaintiffs (employees) to pursue their cause of action against both their union and their employer for breach of duty by the union, even though there was no evidence of misconduct by the employer.

2. In the above case, the District Court had granted Summary Judgment in favor of the union and employer. The Court of Appeals reversed as to the union, but affirmed as to the employer. This Court reversed as to the employer, although "the employer had not engaged in any blameworthy conduct."

3. In the case at bar, the District Court granted the motions of both the employer (UAW) and the union (Newspaper Guild) for Summary Judgment, despite the charge of collusion and fraud against both the employer and union which defrauded Plaintiff-Petitioner of his rights.

4. The facts in the case at bar are stronger than the facts disclosed in the case of *Hines, et al. supra*.

5. The decision of the District Court in the case at bar was and is contrary to the decision of this Court in the *Hines* case, *supra*, and denied petitioner his day in Court.

6. We respectfully urge that this Court will take cognizance of the Common Law precept, "*Ubi Injurias Ibi Remedium*", and grant the Issuance of Writ of Certiorari.

Respectfully submitted,

/s/ Larry S. Davidow
Attorney for Petitioner
3210 Book Tower
Detroit, Michigan 48226
Telephone 962-9144

Dated at Detroit, Michigan,
June 10, 1976.

CERTIFICATE OF COUNSEL FOR PETITIONER

Now comes Larry S. Davidow, attorney for plaintiff-petitioner, and certifies that this Petition for Rehearing is presented in good faith, and not for delay, and that the Petition is restricted to the grounds above specified.

/s/ Larry S. Davidow